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C O N F I D E N T I A L CHENNAI 000925

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TAGS: [PGOV](#) [PINR](#) [PREL](#) [PTER](#) [IN](#) [NP](#)

SUBJECT: NEPALI MAOIST REMAINS STUCK IN CHENNAI JAIL

REF: A. A) 04 CHENNAI 00436

[B. B](#)) CHENNAI 00496

Classified By: Consul General Ravi Candadai. Reason 1.5 (b, d)

[1](#)1. (C) SUMMARY: In a recent court decision, the Madras High Court has ruled that a team of human rights lawyers may visit senior Communist Party of Nepal (Maoist) leader Chandra Prakash Gajurel who was arrested in August 2003 for presenting a forged British passport at Chennai airport and remains in a Chennai prison (Ref A). The team is restrained, however, from making any public statements about the prisoner or about the foreign policy of the Government of India. Hope for a grant of asylum in a European country appears to be dimming and Gajurel is likely to remain in prison in Chennai. END SUMMARY

LAWYERS MAY TALK WITH GAJUREL, BUT NOT WITH THE PRESS

[1](#)2. (C) On March 12, 2005, Chennai Central Prison officials refused to permit a team of European human rights lawyers to visit Chandra Prakesh Gajurel, suspected senior member of the Communist Party of Nepal (Maoist) in the prison. The basis for their refusal was the fact that the attorneys had entered India on tourist visas and therefore, according to prison officials, could not be legally representing Gajurel (Ref B). [1](#)K. Chandru, a Chennai human rights lawyer, argued before the Madras High Court on behalf of the team of lawyers who were denied access. After a delay of more than a month, the High Court has ruled that the legal team should be allowed to visit Gajurel. The Court's order added, however, "the delegation is severely restrained from issuing any public statement or giving any interview to the press regarding their interview with the prisoner or any matter concerning the prisoner." The Court went on to say, "the team shall not pass any comments on the foreign policy of the Government of India." This additional order is a reaction to a press conference the lawyers held after prison officials denied them access to Gajurel in March. In that press conference they criticized not only the prison officials but also the Government of India for its policy on extradition and suggested that Gajurel's imprisonment was "politically motivated."

LAWYER SAYS CHANCES FOR POLITICAL ASYLUM ARE DIMINISHED

[1](#)3. (C) K. Chandru, the lawyer who successfully argued before the High Court to gain access for the legal team, told Poloff that "things are not looking too good now" for Gajurel's being granted asylum in either of two European countries where Gajurel hoped to find asylum. He also said that without a grant of asylum, Gajurel would rather stay in prison in Chennai, fearing extradition to Nepal if he were to be released. In fact, court documents that Chandru provided Post show that Gajurel was granted bail previously but chose to remain in prison.

GAJUREL LIKELY TO REMAIN IN CHENNAI PRISON

[1](#)4. (C) COMMENT: Without a grant of asylum in some foreign country, both the government and Gajurel seem content with the status quo. The government does not want to try Gajurel since even if he were convicted he would have to be released because he has already served close to the maximum sentence for the passport fraud offense with which he is charged. Lawyers for Gajurel know this as well and so are not pressing for a trial on the passport offense since they don't want to see him released without a grant of asylum. With neither side pushing for a trial and political asylum less likely according to his lawyer, Gajurel is likely to remain right where he is in Chennai Central Prison for some time to come. END COMMENT
CANDADAI